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SUBJECT: BURMESE GOVERNMENT REPORTS TO THE USG ON
TRAFFICKING IN PERSONS

1. (SBU) Summary: The GOB is prepared to act on human trafficking, but has not put together programs that will fully treat the problem. In a report presented to the Embassy in August, the GOB acknowledges the problem facing Burma and lays out the legislative, enforcement, training, and preventive measures it has taken to deal with trafficking. Unfortunately, the report is incomplete, with little discussion of such key issues as the GOB's funding of anti-trafficking activities, its cooperation with destination countries, and its handling of repatriated victims of trafficking. Our conclusion: our message on trafficking has gotten through. The GOB is concerned and is prepared to act, but has not put together programs that are anywhere near commensurate with the scale of the problem here. End Summary.

Political Commitment

2. (SBU) According to the GOB report, Burma is committed to dealing with trafficking. It established the Myanmar National Committee on Women's Affairs (MNCWA) in 1996 following the Fourth World Conference on Women and assigned that committee responsibility for trafficking issues in Burma. The Committee's patron is Secretary One Khin Nyunt, whose wife also serves as head of the Committee's Education Group. MNCWA working committees have also been organized at the state, division, district, and township levels. According to the report, there are now 324 MNCWA township working committees in Burma; i.e., one in each of the nation's townships.

National Plan of Action and National Initiative

3. (SBU) MNCWA also adopted in 1997 a National Plan of Action for Trafficking in Women and Children. That plan calls for an assessment of trafficking in Burma, formation of a national task force, a program of national workshops, training for concerned officials, rehabilitation of victims of trafficking, and the distribution of educational materials on trafficking. In 2000, MNCWA adopted a National Initiative on the Trafficking of Women and Children, which includes preventive, protection, enforcement, prosecution, and reintegration strategies. Copies of both documents are attached to the government's report.

Legal Framework

4. (SBU) There are no specific human trafficking laws in Burma, according to the report. However, there are laws which can be applied in cases of trafficking. These include the 1993 Child Law, which includes provisions against the sale, abuse, or exploitation of children; the 1949 Suppression of Prostitution Act, which prohibits any efforts to force or entice a woman into prostitution; and the Penal Code which forbids kidnapping and any effort to "convey any person beyond the limits of the Union of Myanmar without that person's consent." The report also notes that the Supreme Court issued Directive No. 1/01 on February 2, 2001 regarding punishments for human traffickers. Copies of the relevant laws are attached to the report.

Monitoring the Borders

5. (SBU) Burma's immigration and emigration controls are tight, according to the report. On the Thai border alone, there are 23 checkpoints run by the Police, Immigration Supervisory Board, and the Customs Department. During the period May 2000 to June 2002, the report states, 22,208 men, women, and children were prevented from crossing the border "in order to prevent them from becoming involved in nefarious activities, including sexual exploitation." Approximately 9,000 of these people were women. According to the report, no legal action was taken against any of those who were turned back; rather, they were counseled on the dangers of illegally working abroad and sent back to their homes. The report also notes that women between the age of 16 to 25 are absolutely prohibited from crossing the border unless accompanied by a legal guardian.

Law Enforcement

6. (SBU) Many traffickers have also received long sentences.

According to the report, between 1999 and July 2002, Burma's courts have given 104 human traffickers prison sentences ranging from 3 to 14 years.

Preventive Measures

17. (SBU) The GOB has put a special focus on education, according to the report. Between 1999 and June 2002, 10,822 village-level seminars were held by MNCWA and/or NGOs to educate poor families to the dangers of trafficking. In Mon State, eastern Shan State, and Kayin State, these seminars were carried out in cooperation with the United Nations Inter-Agency Project on Trafficking in Women and Children in the Mekong Sub-region (UN-IAP).

Protection of Victims

18. (SBU) The report asserts that victims of trafficking are not treated as criminals. It also states that there are rehabilitation centers, and Vocational Training Centers for Women in Yangon, Mandalay, Myeik, and Kengtung, and Women's Development Centers in Yangon and Mandalay. According to the report, legal has been taken only against those found guilty of trafficking.

Root Causes

19. (SBU) The report argues that the main causes of trafficking are poverty and ignorance and marshals all of the government's statistics on development to demonstrate concern for those issues. In particular, it notes that the government has established twelve training centers since 1992 in towns adjacent to Burma's borders. Altogether, these centers have provided vocational training to 10,128 girls and women over the past decade.

International Cooperation

10. (SBU) Burma is a signatory to the 1950 Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others. It is also a party to the Convention on the Elimination of Discrimination Against Women, and to the Convention on the Rights of the Child. In addition, the GOB has become a regular participant in regional and bilateral meetings on trafficking (15 in all) since 1997 and has cooperated with the UN-IAP on programs to raise awareness and build NGO and government capacity in regard to trafficking problems.

Non-Governmental Organizations

11. (SBU) According to the report, Burma has enlisted the support of NGOs like the Myanmar Red Cross Society, the Auxiliary Fire Brigade, the Myanmar Maternal and Child Welfare Association, and the Myanmar Women Entrepreneurs Association in the fight against trafficking. As an example, it notes that the Maternal and Child Welfare Association has implemented a literacy campaign for 410,000 women in remote areas, conducted vocational classes, and extended micro-credit loans amounting to nearly 150 million kyat over the past decade.

Embassy Assessment of the Report

12. (SBU) The MOFA report is obviously intended to put the best face on the GOB's counter-trafficking efforts and is, unfortunately, packed with a variety of facts and figures from GOB programs that are, at best, tangentially related to the trafficking. It is also short of some key statistics. While it provides more information than needed on the number of pencils and notebooks distributed under various programs, it does not provide any significant information on the resources that the GOB has specifically allocated to its program on human trafficking. It also provides little information regarding the number of trafficking victims it has actually assisted or repatriated from neighboring countries. In support of its claim that the Government is committed to the international fight against trafficking, it details the international meetings it has attended and agreements it has signed. However, it fails to provide any significant information on its cooperation with Thailand or other destination countries. Similarly, it provides a lot of very specific information on government-affiliated NGO programs for women, but does not even hint at any coordination with the international NGOs in Burma that are working on the issue.

13. (SBU) Oddly, the report gives only passing mention to what we consider the most effective anti-trafficking activity in the country, the United Nations Inter-Agency Project (UN-IAP) on Trafficking in Women and Children in the Mekong Sub-region. This small but active project has pushed hard for GOB inter-agency coordination and action on trafficking issues, and has created a program for multi-sectoral "service-provider" training (i.e., police, immigration, law, and social welfare workers, among others). Since August 2001, it has held three training workshops for 100 key personnel from the police, immigration, health, and education

services. The UN-IAP has also actively sought improved interaction among international NGOs, GOB personnel, regime affiliated NGOs, and others that need to be involved to effectively address human trafficking challenges in Burma.

14. (SBU) In spite of these weaknesses, it is clear that the Government has focused more attention on trafficking in persons this year than it has in the past. In what appears to be a direct response to the Embassy's Trafficking in Persons Report, the Government met with Embassy officials earlier this year to determine what is needed to comply with TIPS criteria. Since these meetings, the Government has initiated an information campaign to highlight the perils of trafficking. An MNCWA delegation, headed by Secretary One General Khin Nyunt's wife, has also conducted highly publicized visits to border regions to meet with women in an effort to discourage them from falling victim to unscrupulous traffickers. The state-controlled press is also running almost daily stories on trafficking victims that authorities have intercepted, counseled, and returned to their families.

15. (SBU) These activities are a step in the right direction. They demonstrate that the Government is aware of the need to act against human trafficking, and they serve to heighten public awareness of the potential dangers of trafficking. However, they need to be further reinforced by effective action specifically targeted at traffickers. Right now, many of the trafficking "busts" described in the newspapers appear to be of men and women who are simply attempting to migrate (albeit illegally) to Thailand, not trafficking victims. Reportedly, only a fraction of the illegal Burmese migrants to Thailand are trafficking victims, i.e., people who have been deceived, coerced, or forced into working conditions they did not choose. The rest are simply happy to be there, and out of Burma, whatever their employment status.

16. (SBU) Finally, the government's heavy-handed approach to interdicting all illegal migrants has the potential to actually drive people into the hands of traffickers. This is particularly true of the government's ban on exit visas for women from 16 to 25 who are not accompanied by their legal guardian. For such women, the only recourse is often a trafficker.

17. (SBU) In short, it is apparent that the government is making an effort to address concerns about human trafficking. MNCWA's national action plan is a good plan. It is based on international models and we will continue to push the government to implement it. However, the government's approach does have some rough edges. It needs to be more tightly focused on traffickers specifically. Other aspects of the approach need to be beefed up, particularly in regard to cooperation with destination countries and the repatriation and reintegration of victims. Fortunately, UN-IAP and a few international NGOs are already working here and should prove important allies in bringing the government closer to a complete and effective response to its current problems with trafficking in persons.

Martinez